

**REMARKS****Request for Entry of Supplemental Amendment and Written Statement as to Substance of Interview:**

Applicants respectfully request that this supplemental amendment be entered pursuant to 37 CFR 1.111(a)(2). In particular, this amendment does not duly interfere with the preparation of the Office Action, and in fact facilitates that preparation in view of an interview initiated by the Examiner. In particular, the above amendment merely puts the application back in the condition it was in prior to the After Final Amendment, and further presents at least one claim that the Examiner indicated was allowable.

Moreover, during a telephone interview initiated by the Examiner on March 27, 2006, the Examiner advised Applicants that the prior Office Action was not in fact final. Unfortunately, Applicants, however, filed a prior response while under the assumption that the action was in fact final. In particular, Applicants merely amended the claims by making a dependent claim (3) independent (1), while relying on the Examiner's assertion that "the references [including Ostubo] do not disclose the absorbent core being interfolded with the backsheet" (Office Action at 3).<sup>2</sup> Had Applicants known the Amendment was not final, Applicants would not likely have amended claim 1, but instead would have made further arguments or additional amendments. Indeed, Applicants had previously requested a telephone interview prior to filing the After Final Amendment, but were denied because the Examiner stated that the case was finally rejected. Accordingly, Applicants hereby respectfully request that the Examiner enter this Supplemental Amendment and consider the arguments below.

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<sup>2</sup> During the interview on March 28, 2006, the Examiner changed her position, asserting that Ostubo does disclose in Figure 1 an absorbent core interfolded with a back sheet. Applicants submit that to the extent the Examiner will formally assert such a position in another Office Action, it should not be made final since such an argument would be new and contrary to the prior argument and since Applicants have not amended the claim at issue (original claim 3, now claim 19).

During the interview on March 27, 2006, and in a subsequent telephone interview on March 28, the Examiner indicated that there may be allowable subject matter. Applicants have added new claims 20 and 21 to include that subject matter.

**Additional Remarks About the Rejection of Claim 1:**

In addition to the arguments made in the Amendment filed March 8, 2006, which continue to be applicable to claim 19, Applicants submit further arguments concerning claim 1, which are applicable regardless of whether this amendment is entered. In particular, Applicants submit that there is no suggestion to combine Ostubo and Van Gompel as asserted by the Examiner (Office Action at 2-3). In particular, Ostubo discloses that the "pleats 18 in the front and rear waist regions are unfolded to wear the diaper or during use of the diaper" (Ostubo at Col. 3, lines 64-67). In direct contrast, Van Gompel discloses stretchable panels to accommodate the user and provide a good fit (Van Gompel at Col. 10, lines 43-46). In fact, Van Gompel expressly distinguished the garments of the type disclosed by Ostubo, stating:

As another type of a disposable absorbent article, some of the currently-used incontinence products for adults and older children have been found unsatisfactory due to their bulkiness and ineffectiveness in leakage prevention.

Many of these garments are formed by *folding flat sheets into a diaper-like folded structure that is bulky and has gaps between the body and article*, particularly in the crotch portion. (Van Gompel at Col. 1, lines 52-60 (emphasis added)).

As such, Van Gompel teaches against combining the stretchable side panels with a folded structure, and there is no suggestion to incorporate such panels into Ostubo. Conversely, Ostubo accommodates the user by allowing the folds to unfold, thereby also teaching away from the need for stretchable side panels. For all of these reasons, there is no suggestion to combine Van Gompel and Ostubo absent hindsight analysis using Applicants' claims as a blueprint.

For these reasons, claims 1, 2 and 4-21 should be passed to allowance and

notice to that effect is earnestly solicited.

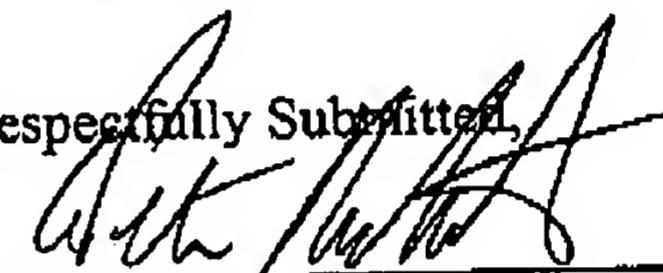
**CONCLUSION:**

No additional claims fees are occasioned by this amendment. If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: March 31, 2006

By:

Respectfully Submitted,

  
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G. Peter Nichols  
Reg. No. 34,401  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.  
Post Office Box 10395  
Chicago, Illinois 60610  
(312) 321-4200